



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/658,843

09/09/2003

Johnson Chen

52320-1010

5411

24504

7590

06/02/2004

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
100 GALLERIA PARKWAY, NW  
STE 1750  
ATLANTA, GA 30339-5948

EXAMINER

FASTOVSKY, LEONID M

ART UNIT

PAPER NUMBER

3742

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/658,843

Applicant(s)

CHEN, JOHNSON

Examiner

Leonid M Fastovsky

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 -6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Futch (Re. 29,767).

Futch teaches a food conveyer system 10 (Fig. 1-6) where food servings 29,72 are conveyed on an automatic conveying system driven by an endless drive chain assembly 38, the system having a customer conveyer section 76 and a food service conveyer section 75 having an entry point to the left from the tray carrier 29 of the system 10 (Fig. 1), at least two food processing conveyer paths 62 and 64 extending from the entry point, including means 62 and 64 for bringing food serving to a desire temperature, a means 27, 28 for diverting food servings 29,72 at the entry point to one of the conveyer paths 76, the conveyer paths 75 and 76 rejoining each other at a food service section exit point which rejoins the customer section 76.

As for claim 2, each food path is inherently a bypass conveyer where food merely travels to the exit point.

As for claims 3 and 4, the heating path 62 is a conventional oven and comprises a heating element 59.

As for claim 5 and 6, the cooling path 64 is a cooler and comprises cooling means 63.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Futch. Futch teaches substantially the claimed invention including a removal of the tray by an attendant (col. 6, lines 18-24), but does not teach a removal track. It would have been obvious to one having ordinary skill in the art to modify Futch's invention to include a removal track as a conventional method of disposing food.

5. Claims 8 –14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futch in view of Clothier et al I (6,632,585) and further in view of Clothier et al II (6,664,520).

Futch teaches substantially the claimed invention including a food conveyer system having a customer section 76 and a food service section 75 on bases 29, but does not teach that the bases are individually electronically identifiable tags such a barcode or RF identification by a computer. Clothier discloses a food delivery system (Fig. 1-24) having sensors 56 and 58 coupled with microprocessor control 74 and an RFID technology using identifiable tags (col. 4, lines 27-55). It would have been obvious to

one having ordinary skill in the art to modify Futch's invention to include sensors and barcode system and a computer to determine when a food delivery container is located on a cooktop and use RFID technology consisting of a reader who produces a low frequency magnetic field, and also when the tag receives the magnetic field from the reader, it transmits programmed memory information to the reader which then validates the signal, decodes the data, and transmits the data to an output device as taught by Clothier I (col. 6, lines 45-62).

As for claims 12-14, Clothier II teaches a charging/vending system 12 and checkout station 16 that include a cash register 90, a credit card reader 92, and control unit 102 (Fig. 1 and 3). One of ordinary skill in the art would be motivated to include a cash register, a credit card reader and a control unit in invention of Clothier I and include these modifications in the invention of Clothier II, and further in Futch's invention in order that the information from the customer's credit card can be written to the RFID tag as taught by Clothier II (col. 13, lines 47-55) and control unit in order to communicate with a receipt printer and also to store transaction information as taught by Clothier II (col. 14, lines 32-51).

6. Claims 15-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futch in view of Clothier I and Clothier II and further in view of Thomas et al (2003/00066281).

Futch in view of Clothier I and Clothier II teaches substantially the claimed invention including a thermostat 60, but does not teach a screen, a terminal and nutritional information and ingredients. Thomas teaches an RFID system for food dispensing

including a terminal with a monitor (Fig. 7), and control unit 9 that uses a tag data to orchestrate the preparation of the food product (page 6, [58]). It would have been obvious to one having ordinary skill in the art to modify the invention of Futch in view of Clothier I and Clothier II to include a terminal with a monitor and a control unit in order to provide an inventory control (page 8, [78]), and to prepare the food product (page 6, [58]) as taught by Thomas.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 2004/0099506 (conveyer), 5415251 (sushi conveyer), 3895691 (conveyer), 2666519 (conveyer).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 703-306-5482. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Leonid M Fastovsky  
Examiner  
Art Unit 3742

lmf